

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE OR CHANGE

Complete and Return to: State of Utah Division of Administrative Rules (DAR) 3120 State Office Building; 450 North Main PO Box 141007 Salt Lake City, UT 84114-1007 Phone: (801) 538-3218, FAX: (801) 538-3844 State E-mail: <i>asitmain.rules</i>		DAR File No.: 17283 Utah Admin. Code Ref.: R156-37 Date Filed: 09/26/95 Time Filed: 14:52 Received by: NL
Department: Commerce Agency: Occupational and Professional Licensing Room No., Building: Heber M. Wells Building, 4th Floor Street Address: 160 East 300 South Mailing Address: PO Box 45805 City, State ZIP: Salt Lake City, UT 84145-0805 Contact Person: David E. Robinson Telephone: (801) 530-6620 FAX: (801) 530-6511		
(Interested persons may inspect this rule/change at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days)		
1. Title of Rule or Section: Controlled Substances Rules of the Division of Occupational and Professional Licensing		
2. Type of Notice: Proposed Rules <input type="checkbox"/> New <input checked="" type="checkbox"/> Amend <input type="checkbox"/> Repeal <input type="checkbox"/> Repeal and Enact (Approved by Director of DAR on (mm/dd/yy): <input type="text"/>) Other Rule Types <input type="checkbox"/> Change in Proposed Rule (Changes "Proposed Rule" File No.: <input type="text"/>) <input type="checkbox"/> 120-Day (Emergency) Rule (Designated Effective Date (mm/dd/yy): <input type="text"/>) (Use electronic form "r-5yrrvw.wpt" for a Five-Year Review/Continuation or "r-nonsub.wpt" for a Nonsubstantive Change)		
3. Reason for Rule or Change: After Division review, changes needed to be made regarding the prescribing of controlled substances for weight control and to make the rule conform with our model rule format.		
4. This change is a response to comments by the Administrative Rules Review Committee. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Summary of Rule or Change: Title of rule was revised; new numbering through the rule; section titles were revised for clarity; moved definition section to a new section number; revised authority-purpose section; changes made in wording of application requirements section; created a separate section regarding site inspections and examinations. The wording regarding site inspections and examinations is currently in the rule. We created new sections out of the existing wording. The wording in R156-37-401 was moved to the unprofessional conduct section, R156-37-502. In R156-37-401, added that grounds for disciplinary action or refusing a license would be in accordance with Section 58-1-401. Created a new section out of existing language regarding the prescribing of controlled substances for weight reduction or control. Added conditions that a prescribing practitioner must meet before prescribing, dispensing, or administering a Schedule III or IV controlled substance for purposes of weight reduction. Deleted the restriction on prescribing Schedule IV controlled substances for weight control purposes by eliminating the maximum 12 week use period.		
6. Justification for a 120-Day (Emergency) Rule (Section 63-46a-7). Regular rulemaking would: <input type="checkbox"/> cause an imminent peril to the public health, safety, or welfare; <input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or <input type="checkbox"/> place the agency in violation of federal or state law. Explain:		
7. Cost or Savings Impact of Rule (Subsection 63-46a-4(3)(d)): State Budget: None. Local Government: None. Individuals: None.		
8. Compliance Costs for Affected Persons (Subsection 63-46a-4(3)(e)): None. ("Person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency (Subsection 63-46a-2(10).)		
9. Rule authorized or required by (see Subsection 63-46a-4(3)(c)): State Code or Constitution: Citation: Subsection 58-37-6(1) Federal Mandate: Citation:		
10. Rule Adds or Updates an Incorporated Reference: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

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Reference:			
(Subsection 63-46a-4(7) requires agencies to submit a copy of materials incorporated by reference.)			
11. The public may submit written or oral comments to the responsible agency.			
Comments will be accepted until 5:00 p.m. on (mm/dd/yy):		11/14/95	
A public hearing (optional) will be held on (mm/dd/yy):		10/26/95	at (time): 10:00 a.m.
at (place):		160 East 300 South, Room 457, Salt Lake City, UT	
(The public may request a hearing in accordance with Subsection 63-46a-5(2)(b).)			
12. This rule or change may become effective on (mm/dd/yy):		11/14/95	
13. Indexing Information-State and/or Federal Citations: Subsection 58-1-106(1)			
14. Indexing Information-Keywords (maximum of four): controlled substances, licensing			
15. Enter filename of the file containing this rule's FULL text (Example: rxxx-xxx.wpd).		R156-037.283	
(All rule text must be in code format.)			
The full text of all proposed administrative rules or rule changes is published in the <i>Utah State Bulletin</i> unless excluded because of length (in which case the text may be inspected at DAR (see Subsection 63-46a-4(2)(c)(ii)))			

AGENCY AUTHORIZATION

Agency Head or Designee:	David E. Robinson	Date (mm/dd/yy):	09/26/95
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